

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEXANDRIA ELIAS, ET AL.

Plaintiff,

V.

**UNGAR'S FOOD PRODUCTS, INC.,
ET AL.**

Defendants.

Civil Action No. 06-2448(KSH)

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letter dated February 25, 2008, regarding plaintiffs' request to amend their exhibit list to include documents reflecting sales figures; and the Court being telephonically advised on March 6, 2008, that the defendants consent to this request; and the documents having been disclosed after the Final Pretrial Conference; and the plaintiffs having justified their request to amend the joint proposed final pretrial order that was submitted to include these exhibits;

IT IS on this 6th day of March, 2008

ORDERED that the plaintiffs' request to replace the exhibit list submitted with the joint proposed final pretrial order with the Defendant's Amended Propose Exhibit List is granted.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALEXANDRIA ELIAS, ROXANNE SCHER,
DOLORES BAEZ and JENNIFER TOSI,
on behalf of themselves and all others
similarly situated,

Plaintiff(s),

Civil Action No. 2:06-cv-02448-KSH-PS

Hon. Katherine S. Hayden, U.S.D.J.

-v.-

UNGAR'S FOOD PRODUCTS, INC.
d/b/a DR. PRAEGER'S SENSIBLE FOODS
and SENSIBLE FOODS LLC d/b/a,
DR. PRAEGER'S SENSIBLE FOODS.

FINAL PRETRIAL ORDER

Trial Date: _____

Defendants.

PLAINTIFFS' AMENDED PROPOSED TRIAL EXHIBITS

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
1	Letter from J.E. Nassar at Nextphase to Joe Ragusa re: Dr. Praeger's (sent via E-mail)	24-Apr-06	CWC 0045 -- 46
2	E-mail from Dino Ortolan to Jim Kenyon, Dorothy Burdge, Kevin Jones, Tony Rizzo, Amy Becker, Dennis Sugimoto, Ken Kimble, Tracy Mauldin-Avery, Bob Stevenson, Steve Rudd and Luciano Mandolese re: Dr. Praeger's	28-Apr-06	CWC 0071
3	Letter from J.E. Nassar at Nextphase to Dino Ortolan re: Dr. Praeger's, cc'ing Y. Greenfield and L. Luckenbaugh (unsigned)	17-Apr-06	CWC 0088 -- 89
4	Letter from Joe Nassar to Dino Ortolan re: Dr. Praeger's Update 5/04/2006 (sent via e-mail)	4-May-06	CWC 0105 -- 06
5	E-mail from Antigoni Pappas to Larry Praeger cc'ing JW Dewbre and Wilma Davis re: Tex-Mex Veggie Burger -- Total Fat content (E-mail string attached)	24-May-06	DRP0000068 -- 71

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
6	E-mail from Wilma Davis to Larry Praeger cc'ing Antigoni Pappas and Wilma Davis re: Fw: California Veggie Burger #2 & #3 – Results Summary: 6 samples: Received 5/16/08 (lists results for two individual California Veggie Burgers)	19-May-06	DRP0000097 – 99
7	E-mail from Larry Praeger to himself re: Fw: California Veggie Burger (message “forward to Peppercom”)(e-mail string attached)	4-May-06	DRP0000310 – 13
8	E-mail from Wilma Davis to Peter and Larry Praeger cc'ing Antigoni Pappas, Wilma Davis and JW Dewbre re: Urgent Action: California Veggie Burgers (e-mail string attached)	5-May-06	DRP0000317 - 19
9	E-mail from Joe@nxtphz to Larry Praeger re: Here's part of it. Follow link for rest (Star Ledger Article)	3-May-06	DRP0000341 - 46
10	E-mail from Wilma Davis to Larry Praeger cc'ing Wilma Davis re: AHA/Praeger: Recap of 4/28/06 phone conversation (E-mail string attached)	2-May-06	DRP0000354 - 55
11	E-mail from Wilma Davis to Peter Praeger and Larry Praeger cc'ing Antigoni Pappas, Sherry Nelson and Wilma Davis re: URGENT: Veggie Burger Compliance & News Inquiry	13-Apr-06	DRP0000359
12	E-mail from Wilma Davis to Larry Praeger cc'ing Kimberly Pruitt re: Ungar's New Packaging – Cali VB (e-mail string attached)	23-Mar-06	DRP0000378 – 379
13	E-mail from Jeff Cohen to Anthony Criscuolo cc'ing Larry Praeger re: Letter to distributors attaching draft of same	10-May-06	DRP0000391 – 392
14	E-mails between Jeff Cohen and Danielle Praeger re: Potato pancake boxes	20-Mar-06	DRP0000730

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
15	E-mail from Larry Praeger (to Customer) re: Veggie Burgers (apologizing for "any inconvenience ...due to the situation regarding our Veggie Burgers)	17-May-06	DRP0000764
16	E-mail from Ellen Somberg to Jeff Cohen re: Fw: Tex Mex burger (forwarding email from customer)	6-Oct-04	DRP0001513
17	E-mail from Sanipure Labs to Larry Praeger and Danielle Praeger attaching certificates for Tex Mex and California Veggie Burgers	15-Jun-06	DRP0001757 - 61
18	E-mail from Larry Praeger to JW Dewbre and Peter Praeger cc'ing Wilma Davis, Antigoni Pappas, Kimberly Pruitt and Larry Praeger re: California Veggie Burger (E-mail string attached)	5-May-06	DRP0002631 - 33
19	Customer E-mail to Ellen Somberg	26-May-06	DRP0002909 - 10
20	E-mail from Danielle Praeger to Larry Praeger, Jeff Cohen, Adam Somberg and nuci@aol re: Pancake boxes	15-Mar-06	DRP0003327
21	E-mail from Danielle Praeger to Ellen Somberg, Adam Somberg and Jeff Cohen attaching box copies re: Can you guys take a quick look at these. PLEASE!! I will check the nutritional. (E-mail string attached)	15-Mar-06	DRP0003328 - 35
22	Customer E-mail to Ellen Somberg (forwarded to Jeff Cohen)	7-Feb-05	DRP0003356 - 57
23	Customer E-mail to Ellen Somberg (forwarded to Larry Praeger and Jeff Cohen)	11-Jan-05	DRP0003360
24	E-mail from Larry Praeger to Antigoni Pappas, Wilma Davis and JW Dewbre attaching Oat Fiber information; California Veggie Burger info; Tex Mex VB info, Cal Burger VB rev4; TexMexBurgerRev5; 4ctCalifornRev5	12-Jun-06	DRP0003420 - 26

Plaintiffs Ex. No.	Description	Date	Bates Range/ Origination/ Location
25	E-mail from Larry Praeger to Richard Baltierra attaching Press Release version 5 – “Dr. Praeger’s announces Status of New Veggie Burgers”	15-May-06	DRP0003470 – 71
26	E-mail from Sanipure (Ronald Schnitzer) to Larry Praeger and Danielle Praeger re: 4oz Veggie Burger attaching nutritional analysis for new 4oz Portion pattie – Cali. VB	8-May-06	DRP0003486 – 90
27	E-mail from don@nxtphz to Imnelson@costco cc’ing jkneyon@Costco, Larry Praeger, Joe@nxtphz and Lisa Luckenbaugh re: Dr. Praeger’s, attaching letters sent to regional buyers and Audit of Records Review	8-May-06	DRP0003491 - 97
28	E-mail from Nema Frye to Danielle Praeger re: Dr. Praeger’s Sensible Foods (nutritional info and WW points)(e-mail string attached)	9-Jun-06	DRP0003574 - 76
29	E-mail from Larry Praeger to Danielle Praeger re: Dr. Praeger’s Sensible Foods (and weight watchers) (e-mail string attached)	1-Jun-06	DRP0003592 - 93
30	E-mail from Larry Praeger to Danielle Praeger (forwarding E-mail from Wilma Davis) re: California Veggie Burger-Samples for Test (e-mail string attached)	4-May-06	DRP0003603 – 07
31	E-mail from Larry Praeger to Danielle Praeger re: Health Check (food info program) (e-mail string attached)	8-Jun-06	DRP0003663 - 64
32	E-mails between Adam Somberg and Jeff Cohen re: recipes	6-Dec-05	DRP0003738 – 39
33	E-mail from Dr. Porus Aria to Danielle Praeger re: sample received today	9-Feb-06	DRP0004379
34	Customer E-mail to Ellen Somberg (with response)	24-May-06	DRP0004414
35	Customer E-mail to Ellen Somberg (with response)	17-May-06	DRP0004421 - 23

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
36	Customer E-mail to Ellen Somberg (with response)	21-Jun-06	DRP0004433
37	Customer E-mail to Ellen Somberg (with response)	6-Jun-06	DRP0004457 -- 58
38	Customer E-mail to Ellen Somberg (with response)	31-May-06	DRP0004467
39	Customer E-mail to Ellen Somberg (with response)	31-May-06	DRP0004534 -- 36
40	Customer E-mail to Ellen Somberg (with response)	10-Mar-06	DRP0004594
41	Customer E-mail to Ellen Somberg	7-Mar-06	DRP0004597
42	Customer E-mail from Ellen Somberg (with response)	6-Jan-06	DRP0004605
43	Michelson Laboratories Lab Certificate to Danielle Praeger re: California Veggie Burger	13-Jun-06	DRP0004618
44	E-mails between Antigoni Pappas and Larry Praeger cc'ing JW Dewbre and Wilma Davis re: Tex-Mex Veggie Burger -- Total Fat Content	24-May-06	DRP0004630 -- 34
45	Letter from Larry Praeger to "Valued Customer" re: Urgent: Food Recall Dr. Praeger's California Veggie Burger and Tex-Mex Burgers	11-May-06	DRP0004708
46	E-mail from Bob Krieger to LarryPraeger re: Dr. Praeger Recall forwarding e-mail from Lyn Wilson to goodchoicc@verison and attaching article and e-mail comment from Gardenburger	15-May-06	DRP0004719 -- 22
47	E-mail from Don@nxtphz to Imnelson@costco, cc'ing jkenyon@costco, Larry Praeger, joe@nxtphz and Lisa Luckenbaugh re: Dr. Praeger's attaching Dr. Praeger letter to Costco	6-May-06	DRP0004735 -37
48	E-mail from Tina Crozier to Matt; Don; Joe cc'ing Lisa; Greg; Mark Bookman; and Larry Praeger re: Dr. Praeger's California Veggie Burger -- Heads Up!	8-Mar-06	DRP0004780 -- 81

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
49	E-mail from Jeff Cohen to David Cohen re: Draft letter for FDA review attaching two draft letter to distributors	11-May-06	DRP0004867 - 71
50	E-mail from Danielle Praeger to Larry Praeger re: Gardenburger	26-Apr-06	DRP0005104
51	E-mail from Sanipure Labs (Ronald Schnitzer) to Larry Praeger re: Fat Results attaching Fat results for Spinach pancakes	7-Apr-06	DRP0005106 - 10
52	E-mail from Jeff Cohen to Edward Stichweh; Larry Praeger; Fred Elfenbein re: Revised California Burger	12-Jul-04	DRP0005117 - 8
53	E-mail from Jeff Cohen to Fred Elfenbein cc'ing Larry Praeger re: Veggie Burger boxes	2-Jul-04	DRP0005119
54	E-mail from Larry Praeger to Richard Baltierra re: Nutritional Information & Current PO's (e-mail string attached)	14-Mar-06	DRP0005404 -5
55	E-mail from Sani-Pure labs to Larry and Danielle Praeger re: Emailing Veggie Burgers revised attaching Nutrition Facts for California Veggie Burgers	12-Jun-06	DRP0005720 - 22
56	E-mail from Greg to Mike; Joe Nassar and Larry Praeger cc'ing Don; Matt; Lisa re: Costco Letter (e-mail string attached)	29-Mar-06	DRP0005744 - 6
57	E-mails from Jeff Cohen to Fred Elfenbein re: Fw: Costco California VB box	7-Jul-04	DRP0006366
58	E-mails between Larry Praeger and Danielle Praeger re: Logo file attached (e-mail string attached)	8-Mar-06	DRP0006459 - 61
59	E-mail from Larry Praeger to Jeff Cohen re: Banner PDF	30-Apr-04	DRP0006529
60	E-mail from George Kellner to Steve Bell, Mike Freal and Melinda Dwyer re: Costco # 10681 Dr. Praeger's Sensible Foods Elmwood Park NJ 111705	22-Nov-05	DRP0006537 - 38

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
61	E-mail from Dr. Porus Aria to Jeff Cohen re: Veggie Burger attaching results for veggie burger	1-Feb-05	DRP0006596 - 7
62	E-mail from Larry Praeger to Danielle Praeger forwarding e-mail from Travis Hubbard at Harristector re: Dr. Praegers attaching Michelson Lab certificates for Dr. Praeger's California Burger (submitted by Gardenburger)	31-May-06	DRP0006834 - 41
63	E-mail from Dr. Porus Aria to Jeff Cohen re: Ingredients	8-Sep-04	DRP0007155 - 56 Deposition Ex. QC-6
64	E-mail RHMeerEMC@aol to nuci@aol and Sombelle@aol cc'ing Larry Praeger, Adam Somberg and Jeff Cohen re: Bergen Record Article - Corrective action to be taken	12-May-06	DRP0007211 - 12
65	E-mail from Joe Nassar to Dennis Sugimoto; Lisa Luckenbaugh and Joe Nassar cc'ing Doris Harley, Danny Payne and Larry Praeger re: Dr. Praeger's (e-mail string attached)	6-Apr-06	DRP0007228 - 32
66	Letter from Dr. Praeger's to Costco Buyer		DRP0007242- 0007243
67	E-mail from Larry Praeger to John Nolan (SellEthics.com) re: Dr. Praeger's (e-mail string attached)	7-Feb-06	DRP0007252 - 53
68	E-mail from Larry Praeger to Matt cc'ing Tina Crozier; and Mark (Bookman) re: Sam's (e-mail string attached)	17-May-06	DRP0007383 - 84
69	E-mail from Larry Praeger to A Mochizuki (Trader Joe's) cc'ing Richard Baltierra re: Revised (Dr. Praeger's Sensible Foods Statement to All Trader Joe's Customers)	16-May-06	DRP0007395
70	E-mail from Joe Nassar to Deb Rohr cc'ing Larry Praeger; Don; Matt and Lisa Luckenbaugh re: Dr. Praeger Vitamin content	6-Apr-06	DRP0007530

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
71	E-mail from access@fda (FDA- Department of Health and Human Services) re: Registration cancelled	7-Jun-06	DRP0007586
72	E-mail from Larry Praeger to Anthony Criscuolo cc'ing Jeff Cohen	18-May-06	DRP0007599 – 600
73	E-mail from Sanipure Labs to Larry Praeger and Danielle Praeger re: Italian Veggie Burgers Revised attaching nutrition facts re: Italian VB and Bombay VB	June 14, 2006	DRP0007676 – 78
74	E-mail from Sani-Pure labs to Larry and Danielle Praeger re: Edited NLEA Form attaching Nutrition Facts for California Veggie Burger	8-Jun-06	DRP0007695 - 96
75	E-mail from Larry Praeger to Danielle Praeger re: Dr. Praeger AIIA Approval/mock up packaging (e-mail string attached)	7-Jun-06	DRP0007706 - 08
76	E-mail from Sanipure Labs (Ronald Schnitzer) to Larry Praeger cc'ing Danielle Praeger; nugget975@aol re: Veggie burger with Veg case attaching results for veggie burger with veg case	21-Mar-06	DRP0008013 – 17
77	E-mail from Sanipure Labs to Larry Praeger cc'ing Danielle Praeger; nugget975@aol attaching Low Carb veggie burger reports	21-Mar-06	DRP0008018 - 22
78	E-mails between Dr. Porus Aria and Danielle Praeger re: Veg Burger	27-Feb-06	DRP0008135 - 36 QC-24
79	E-mail from Dr. Porus Aria to Danielle Praeger re: Veg burger (e-mail string attached)	24-Feb-06	DRP0008138 – 39
80	E-mails between Dr. Porus Aria and Danielle Praeger re: Veg burger	24-Feb-06	DRP0008144
81	E-mail from Dr. Porus Aria to Jeff Cohen re: Veggie Burger attaching revised report with poly and mono fat attached	20-Jan-05	DRP0008387 – 89

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
82	E-mail from Jeff Cohen to Dr. Porus Aria re: Analytical results for Lab No. L1426186 Veggie Burger (96g)	20-Jan-05	DRP0008390
83	Email exchange between Dr. Praeger, Jeff Cohen, and Fred Elfenbein @ The Standard Group	3-Jan-05	DRP0008410
84	E-mail from Jeff Cohen to Dr. Porus Aria re: 96gram veggie burger calculation	28-Sep-04	DRP0008461 Deposition Ex. QC-13
85	E-mails between Jeff Cohen and Fred Elfenbein re: 2 PDF's	12-Jul-04	DRP0008481
86	E-mail from Jeff Cohen to nuci@aol re: Veggie burger box attaching listing of nutritional and ingredient info for 4oz veggie burger	1-Jul-04	DRP0008493 - 99
87	E-mail from Don O'Neill to Larry Praeger cc'ing Lisa and Joe re: Ingredient Percentages	2-Jan-04	DRP0008781
88	E-mails between Larry Praeger and Danielle Praeger (and Fred Elfenbein) re: pancake boxes	20-Mar-06	DRP0008794 - 97
89	E-mail from Sani-Pure labs to Larry and Danielle Praeger re: Emailing:Call Veggie Burgers attaching Lab Certificates for California Veggie Burgers	23-May-06	DRP0008809 - 19
90	E-mail from L. Wiletsky to Larry Praeger and bigstick@optonline re: Larry Praeger, check out this article at the Jewish Week!	15-Apr-05	DRP0009330 - 34
91	Invoice from Winston Laboratories to Dr. Peter Praeger re: Report on steps which can be taken to lessen the break- up of the cali. VB when thawed attaching Report (re: same) and July 10, 2002 Letter from QC Inc. to Dr. Peter Praeger re" Dr. Praeger's California Veggie Burgers	26-Jul-02	DRP0010082 - 89
92	E-mail from Ted Birkhahn to Larry Praeger cc'ing Steve Cody and Charles Leone re: Article recap	12-May-06	DRP0012654 - 55

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
93	Letter from Douglas Ellsworth at the Department of Health and Human Services to Dr. Peter Praeger re: Recall No. F-3133/314-6	11-Sep-06	DRP0012877 - 78 Ex. 38 to Jeff Cohen Certification
94	Dr. Praeger Timeline of ingredient use	N/A	DRP0012900
95	2/24/06 Dr. Praeger's All Natural California Veggie Burgers (QC Test Result)		DRP0013220- 0013222
96	2/24/06 Dr. Praeger's 12oz. Spinach Pancakes (QC Test Result)		DRP0013232- 0013234
97	3/20/06 Dr. Praeger's California Veggie Burgers (Sample A) (QC Test Result)		DRP0013252- 0013254
98	3/20/06 Dr. Praeger's California Veggie Burgers (Sample B) (QC Test Result)		DRP0013255- 0013257
99	QC Laboratories Invoice No. 623677 with Analytical Results to Adam Somberg re: Veggie Burger 96 g	14-Sep-04	DRP0013896 - 99
100	QC Laboratories Invoice No. 626730 with Analytical Results to Adam Somberg	September 14, 2007 revised September 27, 2004	DRP0013900 - 02
101	QC Laboratories Analytical Results sent to Jeff Cohen re: Veggie Burger Revised Formula	27-Sep-04	DRP0013903 - 04
102	E-mail from Larry Praeger to Danielle Praeger (forwarding e-mail from Wilma Davis) re: Fw: California Veggie Burger #1 - Results Summary : 2 samples received 5/0/06	17-Jan-07	DRP0015197 - 201
103	E-mail from Larry Praeger to Danielle Praeger (forwarding e-mail from Wilma Davis) re Fw: Laboratory Test Results on 2 samples of California Veggie Burgers	17-Jan-07	DRP0015202 - 04
104	Handwritten Notes (titled Nirvana)	6-Mar-97	DRP0015205 - 8

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
105	E-mail from Jeff Cohen to James Gianninoto re: Privileged and Confidential	9-Feb-07	DRP0015449 - 53 (Bates Nos. are not in sequential order) Ex. 8 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
106	E-mail from Larry Praeger to Lindsey attaching promotion schedule for 2004	30-Mar-04	DRP0009099 - 9100
107	E-mail from Brian Fedele at Fresh Direct to Larry Praeger re: Retail pricing	11-Jun-04	DRP008680
108	Web Order from Customer	4-Dec-04	DRP0008413
109	E-mail from ZmarkSales to Tree of Life cc'ing Larry Praeger	8-Mar-05	DRP0009377
110	E-mails between Zmark Sales and Larry Praeger re: Meeting follow up	31-Mar-05	DRP0009343 - 44
111	E-mail from Zmark Sales to Larry Praeger regarding Haddon House	31-Mar-05	DRP0009323
112	E-mail from Jetro RD to Larry Praeger re: 16 Count Beggie Burgers	25-Jan-06	DRP0008582
113	List form Zmark Sales Promotional Period Pricing	January 28, 2006 - February 24, 2006	DRP0000140
114	E-mail from Todd MacGrath at Advantage Sales and Marketing to Larry Praeger re: Dr. Praeger 2d half templates	8-Mar-06	DRP0009251 - 52
115	E-mails between Larry Praeger and John Nolan at Sell Ethics	23-Jun-06	DRP0009198
116	Nutritional info for California Veggie Burgers	N/A	DRP0016296 - 16301
117	Nutritional info for California Veggie Burgers	N/A	DRP0016302 - 5
118	Nutritional info for California Veggie Burgers	N/A	DRP0016306 - 9
119	Nutritional info for California Veggie Burgers	N/A	DRP0016310 - 11
120	Nutritional info for California Veggie Burgers	N/A	DRP0016312 - 13

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
121	Nutritional info for Spinach Pancakes	N/A	DRP0016314 - 15
122	Nutritional info for California Veggie Burgers	N/A	DRP0016316 - 19
123	Nutritional info for California Veggie Burgers	N/A	DRP0016320 - 23
124	Ingredient nutrients	N/A	DRP0016324 - 29
125	Nutritional info for Broccoli Pancakes	23-Sep-04	DRP0016330 - 1
126	Nutritional info for Spinach Pancakes	23-Sep-04	DRP0016332 - 3
127	Nutritional info for Spinach Pancakes	N/A	DRP0016334 - 5
128	Nutritional info for Broccoli Pancakes	N/A	DRP0016336 - 7
129	Nutritional info for California Veggie Burgers	N/A	DRP0016338 - 9
130	Nutritional info for California Veggie Burgers	N/A	DRP0016340 - 41
131	Nutritional info for California Veggie Burgers	16-Aug-06	DRP0016342 - 3
132	Nutritional info for California Veggie Burgers	7-Jun-06	DRP0016344 - 5
133	Nutritional info for California Veggie Burgers	7-Jun-06	DRP0016346 - 7
134	Nutritional info for California Veggie Burgers	11-May-06	DRP0016348 - 9
135	E-mail from Ted Birkhahn to Larry Praeger cc'ing Steve Cody and Charles Leone re: Fw: Your Recent News Release attaching Draft Letter re: Urgent : Food Recall (e-mail string attached)	15-May-06	DRP0016354 - 64
136	E-mail from Larry Praeger to Ted Birkhahn cc'ing Charles Leone re: Version 2 (e-mail string attached)	10-May-06	DRP0016412 - 15
137	E-mail from Larry Praeger to Ellen Somberg, Jeff Cohen and Adam Somberg with string from Ted Birkhahn to Larry Praeger cc'ing Charles Leone attaching Holding statement	10-May-06	DRP0016419 - 25
138	E-mail from Charles Leone to Larry Praeger cc'ing Ted Birkhahn re: AHA letter attaching draft of same	17-May-06	DRP0016440 - 41

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
139	E-mails between Charles Leone, Larry Praeger and Ted Birkhahn re: Updated Customer Letter attaching same	17-May-06	DRP0016452 - 53
140	E-mail from Ted Birkhahn to Larry Praeger re: Plan and LOA attaching DPSF standard LOA and Dr. Praeger's PR Plan		DRP0016507 - 20
141	E-mail from Larry Praeger to Jeff Cohen re: Retainer program (e-mail string attached)	25-May-06	DRP0016607 - 9
142	Spreadsheet (Survey information)		DRP0016729 - 44
143	Allure Magazine Article - "Diet Savors"	Aug-07	DRP0016746 - 49
144	ABC Research Corporation test results	1-Jun-06	P0001 - 0036
145	ABC Research Corporation test results	27-Jun-06	P0037 - 0051
146	Michelson Laboratories Lab Certificate submitted by Gardenburger for Dr. Praeger's California Veggie Burger	31-Jan-06	P0052 - 0057
147	Weight Watchers points finder	N/A	P0058 - 0059
148	Weight Watchers "Complete Food Companion" food and points listing	N/A	P0060 - 0068
149	Dr. Praeger's web page re: California Veggie Burgers	2006	P0069 - 0070
150	Dr. Praeger's web page re: Broccoli Pancakes	2006	P0071 - 0072
151	Dr. Praeger's web page re: Potato Pancakes	2006	P0073 - 0074
152	E-mail from hungrygirl to roxywear re: Nutrition Label Alert, Summer Shape-Ups, Food News and More!	8-May-06	P0075 - 0077
153	PRNewsire : "Gardenburger Announces Healthcare Initiative - Veggie Burger Maker appeals to Medical Facilities and Consumers to Use Only Genuine Low-Fat Foods"	8-May-06	P0078 - 0079
154	Yahoo Finance Article: "Dr. Praeger's Announces Status of New Veggie Burgers"	10-May-06	P0080
155	Fox 5 News Article: Dr. Praeger's Veggie Burger Recall	11-May-06	P0081 - 0082

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
156	Star Ledger Article: "'Heart Healthy' tag must come off Praeger burgers"	3-May-06	P0083 - 85
157	Packaging for Dr. Praeger's California Veggie Burgers - 60 ounce box	N/A	P0086 - 87
158	E-mail from Ted Birkhahn to Larry@Drpraegers and Charles Leone cc'ing Steve Cody re: Holding Statement	8-May-06	PPC 529 - 32
159	E-mail from Larry Praeger to Steve Cody, Ted Birkhahn and Larry Praeger re: Peppercom (e-mail string attached)	3-May-06	PPC 966 - 71
160	E-mail from Charles Leone to Larry and Danielle Praeger re: Dr. Praeger's Sample Survey Questions	29-Aug-06	PPC1117 - 18
161	Copy of Media Prep Document	10-May-06	PPC1922
162	E-mail from Richard Baltierra to Siarra Mayo re: Late PO 19776	23-Mar-06	TJC 009
163	E-mail from Richard Baltierra to Alison Mochizuki cc'ing Jon Basalone and Matt Sloan re: Dr. Praeger (e-mail string attached)	15-May-06	TJC 046 - 048
164	QC Labs Analytical Report - Spinach Potato	10-Aug-00	Deposition Ex. QC-1
165	QC Labs Analytical Report - Broccoli Potato	10-Aug-00	Deposition Ex. QC-2
166	QC Labs Analytical Report - Broccoli Potato	11-Aug-00	Deposition Ex. QC-3
167	Fax from Ungar's Food Products, Inc., Jeff Cohen to Dr. Porus Aria re: Centex customer specifications	9-Sep-04	Deposition Ex. QC-7
168	Ingredient listing (Source: USDA National Nutrient Database for Standard Reference, Release 16)	10-Sep-04	Deposition Exs, QC-8 and QC-9
169	QC Labs Analytical Report (96g) Veggie burger	14-Sep-04	Deposition Ex. QC-10
170	QC Labs Analytical Report (96g) Veggie burger	27-Sep-04	Deposition Ex. QC-11
171	QC Labs Analytical Report (96g) Veggie burger - Revised Formula	27-Sep-04	Deposition Ex. QC-12

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
172	QC Labs Analytical Report (96g) Veggie burger - Revised Formula #2	29-Sep-04	Deposition Ex. QC-14
173	QC Labs Analytical Results Invoices attaching nutrition Facts labels (3 pages)	24-Feb-06	Deposition Ex. QC-23
174	QC Labs Analytical Results Invoices attaching nutrition Facts labels (9 pages)	20-Mar-06	Deposition Ex. QC-26
175	QC Labs Analytical Results Invoices attaching nutrition Facts labels (15 pages)	24-Mar-06	Deposition Ex. QC-27
176	Michelson Labs Chain of Custody Form, Analysis Request Form, Scale Test Results and Handwritten Notes	1-Jun-06	Deposition Ex. DP-16
177	Letter from Dr. Praeger's to Nema Frye at Weight Watchers attaching box covers	11-Dec-03	From Weight Watchers document production
178	Letter from Danielle Praeger to Nema Frye at Weight Watchers re: changes and additions to product list	18-Nov-05	From Weight Watchers document production Deposition Ex. PDP-15
179	Letter from Dr. Praeger's to Nema Frye at Weight Watchers attaching "most current boxes with most current nutritional information"	Sep-06	From Weight Watchers document production
180	Midwest Laboratories Report on Veggie Burger Sample	19-Apr-04	
181	E-mail from Porus Aria to Danielle Praeger	2/17/2004 4:18:45 AM	From Porus Aria Document Production
182	E-mail from Porus Aria to Jeff Cohen re: veggie Burger attaching database calculations	1/20/2005 02:59:41PM	From Porus Aria Document Production
183	E-mail from Porus Aria to Jeff Cohen re: Veggie Burger	2/1/2005 11:19:52AM	From Porus Aria Document Production
184	E-mail from Porus Aria to Danielle Praeger re: Dr. Praeger's Sensible Foods	2/16/2004 04:02:24PM	From Porus Aria Document Production
185	E-mail from Danielle Praeger to Porus Aria re: Dr. Praeger Sensible Foods	2/16/2004 10:14:13AM	From Porus Aria Document Production
186	E-mail from Danielle Praeger to Porus Aria	2/17/2004 11:13:41AM	From Porus Aria Document Production

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
187	E-mail from Porus Aria to Danielle Praeger	2/17/2004 11:59:45AM	From Porus Aria Document Production
188	E-mail from Porus Aria to Danielle Praeger re: Veg burger	2/24/2006 02:17:08PM	From Porus Aria Document Production
189	E-mail from Porus Aria to Danielle Praeger re: Veg burger	2/24/2006 02:56:38PM	From Porus Aria Document Production
190	E-mail from Danielle Praeger to Porus Aria re: Veg burger	2/24/2006 03:50:51PM	From Porus Aria Document Production
191	E-mail from Porus Aria to Danielle Praeger re: Veg burger	2/24/2006 03:54:39PM	From Porus Aria Document Production
192	E-mail from Danielle Praeger to Porus Aria re: Veg burger	2/24/2006 03:56:11PM	From Porus Aria Document Production
193	E-mail from Porus Aria to Danielle Praeger re: Veg burger	2/24/2006 04:00:45PM	From Porus Aria Document Production
194	E-mail from Danielle Praeger to Porus Aria re: Veg burger	2/24/2006 04:03:47PM	From Porus Aria Document Production
195	E-mail from Danielle Praeger to Porus Aria re: Veg burger	2/24/2006 02:29:02PM	From Porus Aria Document Production
196	E-mail from Danielle Praeger to Porus Aria re: Veg burger	2/27/2006 08:27:30AM	From Porus Aria Document Production
197	E-mail from Porus Aria to Danielle Praeger re: Sample received today	2/9/2004 10:38:54AM	From Porus Aria Document Production
198	E-mail from Porus Aria to Danielle Praeger re: Sample received today	2/9/2006 12:12:54PM	From Porus Aria Document Production
199	E-mail from Porus Aria to Danielle Praeger re: Sample received today	2/9/2006 12:34:20 PM	From Porus Aria Document Production
200	E-mail from Porus Aria to Danielle Praeger re: Sample received today	2/9/2006 12:40:42PM	From Porus Aria Document Production
201	E-mail from Porus Aria to Danielle Praeger re: Dr. Praeger's	3/21/2006 09:59:16AM	From Porus Aria Document Production
202	E-mail from Porus Aria to Danielle Praeger re: fat for tex-mex	3/22/2006 05:21:06PM	QC-25
203	E-mail from Porus Aria to Larry Praeger re: price list	4/1/2004 12:06:05PM	QC-5
204	E-mail from Porus Aria to Jeff Cohen re: testing quote	5/25/2005 05:07:37PM	From Porus Aria Document Production
205	E-mail from Porus Aria to Jeff Cohen re: testing quote	5/25/2005 05:11:45PM	From Porus Aria Document Production

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
206	E-mail from Porus Aria to Jeff Cohen re: Testing quote	5/25/2005 05:19:2PM	From Porus Aria Document Production
207	E-mail from Jeff Cohen to Porus Aria re: Ingredients	9/8/2004 02:49:28PM	From Porus Aria Document Production
208	E-mail from Porus Aria to Jeff Cohen re: Ingredients	9/8/2004 05:05:48PM	From Porus Aria Document Production
209	E-mail from Jeff Cohen to Porus Aria re: 96gram veggie burger calculation	September 28, 2004 02:53:38PM	From Porus Aria Document Production
210	QC Laboratories Analytical Results Report (36 pages)	24-Feb-06	From Porus Aria Document Production - Deposition Ex. QC- 22
211	QC Labs analytical Results (96g) Veggie Burger	September 29, 2004 revised February 1, 2005	From Porus Aria Document Production - Deposition Exhibit QC-14
212	History Log for T01103	Beginning 10/29/2001	Deposition Ex. QC-28
213	Sanipure document Invoice No. 16584 attaching Dr. Praeger's California Veggie Burgers/NO6DA - 107g Analysis, Dr. Praeger's California Veggie Burgers/WO5AG - 107g Analysis and Dr. Praeger's California Veggie Burgers/HO6AC - 78g Analysis	23-Mar-06	From Sanipure Document Production
214	Sanipure document Invoice No. 16753 attaching Dr. Praeger's California Veggie Burgers (Net. Wt: 11 oz (312g) Package containing 4 indiv wrapped Burgers/RO6AD - 78g Analysis	7-Apr-06	From Sanipure Document Production
215	Sanipure document Invoice No. 16765 attaching All Natural Spinach Pancakes (Oat Bran & Gum)/RO6AF - 38g Analysis	10-Apr-06	From Sanipure Document Production

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
216	Sanipure document Invoice No. 17089 attaching Dr. Praeger's California Veggie Burgers (Net wt: 11 oz (312g) Package contains 4 ind wrapped burgers - Serving Size 1 Burger 12oz: (113g)/FO6AD - 113 g Analysis and Dr. Praeger's California Veggie Burgers Net wt: 60 oz (1.7kg) Package contains 16 ind wrapped burgers - Serving Size 1 Burger (113g)/FO6AD - 113g Analysis	4-May-06	From Sanipure Document Production
217	Sanipure document Invoice No. 17350 attaching California Veggie Burgers - 4 oz - No Gum - (113g)/F06CC - 113 Analysis and California Veggie Burgers - 4 oz - Regular Gum + 25% @ 415 F - (113g)/F06CC - 113g Analysis	24-May-06	From Sanipure Document Production
218	Sanipure document Invoice No. 17967 attaching California Veggie Burgers - 5.5 oz/X06CA - 156g Analysis	18-Jul-06	From Sanipure Document Production
219	Sanipure document Invoice No. 18027 attaching California Veggie Burgers, 5.5 oz/X06CA - 156g	24-Jul-06	From Sanipure Document Production
220	Sanipure document Invoice No. 18403 attaching Costco California Veggie Burger - (113g)/G06CD - 113 and Laboratory notes	25-Aug-06	From Sanipure Document Production
221	Sanipure document Invoice No. 18420 attaching Costco California Veggie Burger, 4 oz - Extra Gum - (113g)/G08CE - 113 Analysis	28-Aug-06	From Sanipure Document Production
222	Sanipure document Invoice No. 19053 attaching Costco Veggie Burger, 4 oz - (113g)/E06BH - 113g Analysis	19-Oct-06	From Sanipure Document Production
223	Sanipure document Invoice No. 19206 attaching Broccoli Pancakes - New Size - Water with Gum - (60g)/11/1/2006 - 60g Analysis and Spinach Pancakes - New Size - Water with Gum - (59g)/11/1/2006 - 59g Analysis	3-Nov-06	From Sanipure Document Production

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
224	Michelson Laboratories Certificate for Dr. Praeger's California Burger Club = 100 grams submitted by Garden Burger	7-Dec-05	From Michelson Production
225	Nutritional testing report on California Veggie Burger (60 ounce) from Michelson Laboratories	31-Jan-06	DRP0006836 - 41 Exhibit 7 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
226	Michelson Laboratories Certificate for Dr. Praeger's California Burger Club = 100 grams submitted by Garden Burger	7-Dec-05	From Michelson Production
227	Copy of package of California Veggie Burger (submitted to ABC Research Corp. for testing on May 25, 2006)	N/A	Exhibit 1 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
228	Copy of package of California Veggie Burger (sixty ounce)	N/A	Exhibit 2 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
229	Copy of package of Broccoli Pancake (submitted to ABC Research Corp. for testing on May 25, 2006)	N/A	Exhibit 3 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
230	Copy of package of Potato Pancake (submitted to ABC Research Corp. for testing on May 25, 2006)	N/A	Exhibit 4 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
231	Copy of package of Spinach Pancake (submitted to ABC Research Corp. for testing on May 25, 2006)	N/A	Exhibit 5 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification
232	E-mail from Dr. Porus Aria to Jeff Cohen re: Veggie burger	1-Feb-05	DRP0001447 Exhibit 9 to Matthew J. Aaronson Declaration in Support of Motion for Class Certification

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
233	Copy of Packaging for Broccoli Pancake	Prior to 2002 (as per JC Cert.)	DRP0012691 Ex 1 to Jeff Cohen Certification
234	Copy of Packaing and formulation for Broccoli Pancake	July 2004 (as per JC Cert.)	DRP0006585 and DRP0016336-37 Ex 2 to Jeff Cohen Certification
235	Copy of Packaging and formulation for Broccoli Pancakes	November 2005 (as per JC Cert.)	DRP0016674 -75 DRP00166666 DRP0016706 Ex 3. to Jeff Cohen Certification
236	Copy of formulation for Broccoli Pancake	April 2006 (as per JC Cert.)	DRP0016707 Ex. 4 to Jeff Cohen Certification
237	Copy of Packaging and formulation for Broccoli Pancakes	August 2006 (as per JC Cert.)	DRP0012874-75 DRP0016708 Ex. 5 to Jeff Cohen Certification
238	Copy of Packaging and formulation for Broccoli Pancakes	April 2007 (as per JC Cert.)	DRP0016676 - 77 DRP0016709 Ex. 6 to Jeff Cohen Certification
239	Copy of Packaging for Spinach Pancake	Prior to 2002 (as per JC Cert.)	DRP0012876 Ex. 7 to Jeff Cohen Certification
240	Copy of Packaging for Spinach Pancake	Start of 2002	DRP0010195 Ex. 8 to Jeff Cohen Certification
241	Copy of Packaging and formulation for Spinach Pancakes	July 2004 (as per JC Cert.)	DRP0006580 DRP0016334 - 35 Ex. 9 to Jeff Cohen Certification

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
242	Copy of Packaging and formulation for Spinach Pancakes	December 2005 (as per JC Cert.)	DRP0003648 DRP0016667 DRP0016710 Ex. 10 to Jeff Cohen Certification
243	Copy of formulation for Spinach Pancake	April 2006 (as per JC Cert.)	DRP0016711 Ex. 11 to Jeff Cohen Certification
244	Copy of Packaging and formulation for Spinach Pancake	August 2006 (as per JC Cert.)	DRP0012660 - 61 DRP0016712 Ex. 12 to Jeff Cohen Certification
245	Copy of Packaging and formulation for Spinach Pancake	May 2007 (as per JC Cert.)	DRP0016672 - 73 DRP0016713 Ex. 13 to Jeff Cohen Certification
246	Copy of packaging for California Veggie Burger	Prior to August 2001 (as per JC Cert.)	DRP0016670 Ex. 14 to Jeff Cohen Certification
247	Copy of packaging for California Veggie Burger	September 2002 (as per JC Cert.)	DRP0016704 - 05 Ex. 15 to Jeff Cohen Certification
248	Copy of packaging for California Veggie Burger	December 2003 (as per JC Cert.)	DRP0016669 Ex. 16 to Jeff Cohen Certification
249	Copy of packaging for California Veggie Burger	November 2004 (as per JC Cert.)	DRP0012942 Ex. 17 to Jeff Cohen Certification
250	Copy of packaging for California Veggie Burger	September 2004 (as per JC Cert.)	DRP0012938 DRP0008676 Ex. 18 to Jeff Cohen Certification
251	Copy of packaging and formulation for California Veggie Burger	October 2005 (as per JC Cert.)	DRP0016668 DRP0016665 DRP0016714 Ex. 19 to Jeff Cohen Certification

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
252	Copy of packaging and formulation for California Veggie Burger	March 2006 (as per JC Cert.)	DRP0016703 DRP0016715 Ex. 20 to Jeff Cohen Certification
253	Copy of packaging and formulation for California Veggie Burger	May 2006 (as per JC Cert.)	DRP0016671 DRP0016340 - 41 DRP0016716 Ex. 21 to Jeff Cohen Certification
254	Copy of packaging and formulation for California Veggie Burger	July 2006 (as per JC Cert.)	DRP0016678- 79 DRP0016717 Ex. 22 to Jeff Cohen Certification
255	Copy of packaging and formulation for California Veggie Burger	August 2006 (as per JC Cert.)	DRP0016680 - 81 DRP0016718 Ex. 23 to Jeff Cohen Certification
256	Copy of packaging and formulation for California Veggie Burger	April 2006 (as per JC Cert.)	DRP0016702 DRP0016719 Ex. 24 to Jeff Cohen Certification
257	Copy of packaging and formulation for California Veggie Burger	August 2006 (as per JC Cert.)	DRP0016682 - 83 DRP0016720 Ex. 25 to Jeff Cohen Certification
258	Copy of packaging for Tex Mex Burger	August 2001 (as per JC Cert.)	DRP0016700 - 01 Ex. 26 to Jeff Cohen Certification
259	Copy of packaging for Tex Mex Burger	June 2004 (as per JC Cert.)	DRP0016698 - 99 Ex. 27 to Jeff Cohen Certification
260	Copy of packaging and formulation for Tex Mex Burger	November 2005 (as per JC Cert.)	DRP0016696 - 97 DRP0016721 Ex. 28 to Jeff Cohen Certification

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
261	Copy of packaging and formulation for Tex Mex Burger	May 2006 (as per JC Cert.)	DRP0016694 - 95 DRP0016722 Ex. 29 to Jeff Cohen Certification
262	Copy of packaging and formulation for Tex Mex Burger	July 2006 (as per JC Cert.)	DRP0016692 - 93 DRP0016723 Ex. 30 to Jeff Cohen Certification
263	Copy of packaging and formulation for Tex Mex Burger	August 2006 (as per JC Cert.)	DRP0016690 - 91 DRP0016724 Ex. 31 to Jeff Cohen Certification
264	Copy of packaging for Potato Pancake	July 2003 (as per JC Cert.)	DRP0016689 Ex. 32 to Jeff Cohen Certification
265	Copy of packaging for Potato Pancake	November 2004 (as per JC Cert.)	DRP0016688 Ex. 33 to Jeff Cohen Certification
266	Copy of packaging and formulation for Potato Pancake	November 2005 (as per JC Cert.)	DRP0016687 DRP0016725 Ex. 34 to Jeff Cohen Certification
267	Copy of formulation for Potato Pancake	April 2006 (as per JC Cert.)	DRP0016726 Ex. 35 to Jeff Cohen Certification
268	Copy of packaging and formulation for Potato Pancake	September 2006 (as per JC Cert.)	DRP0016686 DRP0016727 Ex. 36 to Jeff Cohen Certification
269	Copy of packaging and formulation for Potato Pancake	April 2007 (as per JC Cert.)	DRP0016684 - 85 DRP0016728 Ex. 37 to Jeff Cohen Certification
270	Letter from Jeffrey Cohen to Marjorie Schultz at the Food and Drug Administration re: Firm Initiated Class II Recall No. F-313/314-6	20-Feb-07	DRP0015447 - 48 Ex. 39 to Jeff Cohen Certification

Plaintiff's Ex. No.	Description	Date	Bates Range/ Origination/ Location
271	Letter from Douglas Ellsworth at the Department of Health and Human Services to Dr. Pcter Praeger	27-Feb-07	DRP0016664 Ex. 40 to Jeff Cohen Certification
272	Certification of Jeffrey Cohen with attached Exhibits	22-Jun-07	
273	Amended Class Action Complaint	25-Aug-06	
274	Answer to Amended Complaint	12-Sep-06	
275	Defendant's Objections and Responses to Plaintiff's First Set of Interrogatories	27-Dec-06	
276	Expert Report of David A. Levitsky	31-Oct-07	
277	Expert Report of Joe M. Rogenstein	31-Oct-07	
278	Expert Report of Katherine W. Berry	31-Oct-07	
279	CD containing Fox interview with Dr. Praeger	May, 2006	
280	Updated Sales Figures for Years 2000 - 2006		DRP0016790
281	Ungar's Food Products, Inc. Items Sold to Customers For the Period From Jan 1, 2000 to Jan 31, 2000	January 2000	DRP0016791 – DRP0016902
282	Ungar's Food Products, Inc. Items Sold to Customers For the Period Jan 1 to Jan 31, 2000	January 2000	DRP0015454 – DRP00015735
283	Ungar's Food Products, Inc. Items Sold to Customers For the Period Jan 1 to Jan 31, 2000	January 2000	DRP0015736 – DRP0016015
284	Ungar's Food Products, Inc. Items Sold to Customers For the Period Jan 1 to Jan 31, 2000	January 2000	DRP0016016 – DRP0016295